

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS DONE, et al.,

Defendants.

Criminal Action No.: 09-601 (JLL)

ORDER

LINARES, District Judge.

This matter comes before the Court on Defendant Juan Done's motions to dismiss, Defendants Juan and Enrique Done's Motion for severance and Defendants' pretrial omnibus motion. The Court has considered the submissions of the parties and the arguments made by counsel before the Court on August 15, 2011. For the reasons state in this Court's corresponding Opinion and on the record at oral argument,

IT IS on this 1st day of September, 2011,

ORDERED that trial will begin in this matter on November 7, 2011 at 9:30 A.M.; and it is further

ORDERED that the Government will turn over any 404(b) materials to Defendants as it becomes aware of them and no later than 20 days before trial begins; and it is further

ORDERED that Defendants' request for *Jencks*, *Brady*, and *Giglio* materials is denied as moot at this time. The Government shall provide these materials to Defendants as they become available and in a timely fashion; and it is further

ORDERED that counsel for the parties shall meet and confer regarding drafting a

protective order for the cooperating witnesses. If the parties cannot resolve this dispute, the parties shall request a conference with the Court immediately; and it is further

ORDERED that Defendant's motion for a bill of particulars is **DENIED**; and it is further

ORDERED that Defendant's request for a pre-trial *James* hearing is **DENIED**; and it is further

ORDERED that Defendant's *pro se* motion to dismiss Count Three of the Indictment is **DENIED**; and it is further

ORDERED that Count One of the Indictment as it pertains to Juan Carlos Done is hereby dismissed without prejudice; and it is further

ORDERED that Defendants' motion for severance is **DENIED**.

SO ORDERED.

/s/ Jose L. Linares
JOSE L. LINARES
U.S. DISTRICT JUDGE